

FEB 03 2005

Docket No. 5000-4853**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Katsuyoshi FUJITA et al.

Group Art Unit: 3753

Serial No.: 09/800,004

Examiner: Leo, Leonard R.

Filed: March 6, 2001

For: RESERVOIR WITH HYDROGEN STORAGE MATERIAL

CERTIFICATE OF FACSIMILE TRANSMISSION

VIA FACSIMILE 703-872-9306

Examiner Leonard R. Leo

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached Response to Notice of Non-Compliant Amendment; and this Certificate of Facsimile Transmittal; are being transmitted on the date shown below to the **Examiner Leonard R. Leo**, of Group No. **3753** at the following facsimile number: **1-703-872-9306**.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: February 3, 2005

By: Steven F. Meyer

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Serial No. 09/800,004
Communication dated February 3, 2005

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withdrew the Notice because the filing of the RCE resulted in the entry of the December 19, 2003 Amendment. Examiner Leo further stated that the subject application would be taken up in turn, shortly.

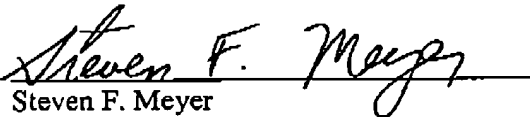
On January 31, 2005, the undersigned attorney of record called Examiner Leo to check on the status of the above-identified application. Examiner Leo reiterated that the subject application would be taken up in turn, shortly, "possibly next week." Examiner Leo also suggested the filing of this paper to confirm the earlier verbal withdrawal of the Notice of Non-Compliant Amendment.

Because the Notice of Non-Compliant Amendment was verbally withdrawn prior to November 19, 2004, Applicants submit that no fee is due with this paper. However, the Commissioner is hereby authorized to charge any additional fees which may be required for this Response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 5000-4853.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: February 3, 2005

By:


Steven F. Meyer

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RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On October 19, 2004, the Patent Office issued a Notice of Non-Compliant Amendment directed to the July 21, 2004 Amendment filed with the Applicants' Request for Continued Examination ("RCE"). Specifically, the Patent Office contends that the July 21, 2004 Amendment is in non-compliance because it does not reflect the proposed Amendment filed on December 19, 2003. The Notice contends that the amendments presented in the December 19, 2003 Amendment had to be shown in the July 21, 2004 Amendment because the December 19, 2003 Amendment had not been entered.

However, the December 19, 2003 Amendment was entered by virtue of the filing of the RCE; thereby rendering moot the Notice of Non-Compliant Amendment. Prior to the November 19, 2004 due date for responding to the Notice of Non-Compliant Amendment, the undersigned attorney of record left a message for Examiner Leo explaining the foregoing circumstances. By November 19, 2004, Examiner Leo returned the message and verbally

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